



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION MEETING MINUTES

#### REGULAR MEETING

AUGUST 12, 2003

PRESENT: Acevedo, Benich, Escobar, Engles, Lyle, Mueller, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Engineer (SE) Creer and  
Minutes Clerk Johnson

*PM Rowe announced that due to technical difficulties, the microphones were not in use at this time.*

Chair Mueller called the meeting to order at 7:03 p.m. and invited Minutes Clerk Johnson to lead the flag salute.

#### **DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Chair Mueller opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

#### **MINUTES:**

JULY 22, 2003

#### **COMMISSIONERS ESCOBAR/ACEVEDO MOTIONED TO APPROVE THE JULY 22, 2003 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 5 paragraph 3: ~~direction~~ directly

Page 7 paragraph 3: Commissioner Lyle said that the document only indicates that left turns activate a warrant study, but he felt that increases in through could also trigger such a study. He continued by saying that significant degradations in intersection traffic from the project period to the General Plan build-out condition should trigger a narrative-only section in the traffic study as to what would likely happen **after** the

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General Plan time frame.

Page 7 last line in next to last paragraph: add following *applications* also be considered for any supplemental allotments for FY's 2004/05 and 2005/06 resulting from the passage of the Measure P update.

Page 7. Resolution correction: **COMMISSIONERS ESCOBAR/WESTON MOTIONED TO ~~RECOMMEND~~ ADOPT THE GUIDELINES FOR PREPARATION OF TRANSPORTATION IMPACT REPORTS AS MODIFIED BY DISCUSSION AND NOTED HEREIN TO THE CITY COUNCIL FOR ADOPTION. THE MOTION PASSED WITH THE UNANIMOUS APPROVAL BY ALL COMMISSIONERS PRESENT.**

**THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, ENGLES, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

### NEW BUSINESS:

#### **1) SANTA CLARA COUNTY HOUSING ACTION COALITION PRESENTATION**

Beverly Bryant, Ph.D., and Erwin Ordoñez, representing the Housing Action discussion on the "The Realities of Affordable Homes" which had been distributed to the Commissioners. Commissioner Lyle pointed out that there were some discrepancies in the brochure regarding housing costs. Those will be corrected. Chair Mueller provided information that some area municipalities were reducing street standards to accommodate requirements for *hi density zoning and* affordable homes *located near transit services entrances*. The speakers were thanked for the presentation.

#### **2) ZA-03-02/ SD-03-01/DA-03-02: MCLAUGHLIN- JONES**

A request for approval of a precise development plan for an 18 unit single family attached development on a 2.17 acre site located on the east side of McLaughlin Ave., north of Central Ave and west of the Union Pacific railroad tracks. Also requested is the approval of a five-lot subdivision and development agreement on a .67-acre portion of the site. The zoning on the project is R-2 3,500 and R-3, Single Family Low & Medium density.

PM Rowe presented the staff report, noting the changes and recommendations contained in the staff report. He reminded that this project has been ongoing for quite some time and that the most recent changes had been presented in the July 25, 2003 submittal of revised subdivision and RPD plans. The request this evening, PM Rowe said, is to ensure meeting a deadline of a 6-month extension of the project building allocations approved by the City Council on June 18, 2003, extending the time limit to December 30, 2003.

Regarding the changes and recommendations contained in the staff report, PM Rowe said staff still retains concerns of:

- mitigation of noise issues
- access to the area zoned multi-family
- a shared 18-foot wide driveway at the duplex site
- failure to meet the parking regulations of the City
- lot layout
- proposals for lot line adjustments
- the need to ensure that the R3 portion of the project be held to multi-family

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use.

PM Rowe said staff has been informed that the property is in contract agreement for purchase by South County Housing. Since that is the case, staff has been assured that on completion of purchase, the concerns raised and deficiencies noted in the staff report will be addressed and corrected. PM Rowe reiterated that the action requested by the applicant is a 'fall back' position to show his good faith effort should an extension of time be required.

PM Rowe continued that the staff is 'ok' with the action requested, explaining the need for the recommended changes and how those changes could be accomplished. PM Rowe indicated he was prepared to address the issues noted above.

Chair Mueller suggested that, rather than go through the project point-by-point and because of the agreement of sale, the matter be held for revision and update at the request of the Planning Commission. Other Commissioners concurred, with Commissioner Lyle saying that with so many changes needed, it would be better for the Commissioners and staff to give direction to the new owner/applicants to improve the design and adjustments.

Chair Mueller opened the public hearing.

Jerry Jones, 16432 Mira Bella Place, said the buyer has no problem with the action proposed by the Chair, and that he, as seller, concurs with a continuation.

Commissioner Lyle asked Mr. Jones when the sale is anticipated for completion? Mr. Jones replied that the closing is scheduled for January 7, 2004, which is about a week after the deadline for action by him.

Jan Lindenthal, Housing Development Director of South County Housing, was present to speak regarding the intent of South County Housing in formulating a work schedule for revision of the tentative map. That action should occur, she said, in submittal of plans to the City by September, with the Planning Commission receiving it in November, noting that an extension would most likely be requested in any event.

Chair Mueller recapped the proposal offered by the Planning Commission, to essentially table by direction of the City, providing time for South County Housing to revise the plans and resubmit. Ms. Lindenthal indicated agreement with the proposal.

Commissioner Lyle cautioned that there is a need to set definite time frames for action.

Chair Mueller said that the issues were too complicated to proceed at this meeting, and the project should be 'cleaned up' before proceeding.

Bill McClintock, PO Box 1029, of MH Engineering, provided a background overview of the project, specifically addressing the site design issues raised by staff. He said that South County Housing will have issues that need considerable consultation, such as safety issues/traffic patterns and the need for clarification of easements.

Mr. McClintock listed the concerns Mr. Jones has with the recommendations of staff

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for corrections to the application.

Commissioner Lyle noted that South County Housing representatives have indicated a desire to have a portion of the property designated 'for sale', wondering how the non-profit would compete in this category under Measure P? Ms. Lindenthal explained that there is a desire to continue competition in the affordable housing category, but noted that the R3 zoning provides opportunity for mixed income sales. She said that the exiting five units, which had been allocated, would be considered for market rate sales. Ms. Lindenthal assured that South County Housing is sensitive to the wishes of the City regarding the location of affordable homes.

Chair Mueller said that regarding R3, there might be interest in dropping back to R2.

Ms. Lindenthal repeated she and South County representatives would be working with staff to achieve the best use. She also responded to Commissioner's questions saying that every effort would be made to meet time lines set by the City.

Mr. McClintock broached the issue of parking standards, saying there is no standard for single family attached dwellings, and indicating that the City is utilizing standards established for single family detached units in planning for multifamily units. He asked for credit for aprons at the front of the driveways and utilization of on-street parking. Mr. McClintock said that the presented plans show 'forced in' parking to meet the standards, and indicated that a variance for parking consideration would be in order.

With no other persons present to address the matter, the public hearing was closed.

Chair Mueller said that if the Commissioners wish to table the matter, he would believe it important to entertain a General Plan change from R3 to R2 providing a total of six units, and the R2 would 'fit better' in meeting the goals of the City by providing 'nice affordable units' for the new applicant. "If the Planning Commission wanted to consider this," he said, "the new applicant (South County Housing) could consider concurrent options."

Commissioner Lyle said he would be willing to consider either having the change to R2 or retention of some R3.

*The use of microphones for the Commissioners was restored at 7:50 p.m.*

Commissioners engaged in discussion as to the timing and other needs to make the project successful. Also addressed were topics of the area around the project site and the economics of the number of units for R3 projects. It was suggested that tabling the matter to the first meeting in December, 2003 would provide time to the new applicant to present revisions for an R2 project to the Commissioners for consideration.

Issues raised by the Commissioners to be considered were"

- parking – the need for use of multifamily detached standards. PM Rowe explained that it would not be wise to utilize the suggestion of the current applicant, and cited other developments in the City as examples of 'making it work'. He continued that 'multipurpose standards' were in place and applicable.

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- driveway placement for the duet unit.
- traffic patterns
- sound walls
- set backs/ ingress ~ egress
- detention ponds
- playground areas

**COMMISSIONERS ESCOBAR/WESTON MOTIONED TO TABLE THE MATTER TO THE DECEMBER 9, 2003 PLANNING COMMISSION MEETING, TO PROVIDE SOUTH COUNTY HOUSING THE OPPORTUNITY TO SUBMIT REVISED PLANS FOR THE SITE. THIS POSTPONEMENT OF ACTION WAS AT THE REQUEST OF THE PLANNING COMMISSION AND WILL NOT RESULT IN PENALTY TO THE APPLICANT. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, ENGLES, LYLE, MUELLER, WESTON; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**3) DAA-99-04/  
DAA-00-07/  
DAA-01-01: E.  
DUNNE-TROVARE**

A request to amend the development agreements for the Morgan Meadows/Trovare development located on the south west corner of the intersection of Hill Rd. and E. Dunne Ave. The proposed development agreement amendments would allow for alternative public improvement commitments.

PM Rowe presented the staff report, calling attention to revised Resolution No. 03-62. He stated that the reason for the revision was the portion of the development agreement dealing with pedestrian safety improvement at a nearby schools. It was noted that an alternative to the original commitment would be to require a caution signal at Murphy and Dunne for Nordstorm School.

SE Creer clarified the requirements for advisory signs regarding traffic limitations (speed limits) in the vicinity of school locations. Responding to a question from Commissioner Lyle, SE Creer said the City would be placing two flashing lights by the school, and this would still be necessary even if a traffic signal were to be placed at Murphy and Dunne.

Other changes, PM Rowe indicated, include the widening of sidewalks at Nordstrom Park, and safety payments for in-lieu provisions at the Nordstorm School (DAA 00-07, paragraph 14, section (j), subsection (ii) & (iii) regarding payment of equivalent alternative for the car/bus pull out).

Commissioner Weston asked about a near-by property at Hill Road and Dunne Avenue where 'asphalt sidewalks' are indicated. SE Creer responded with an explanation of the extent of the street improvements planned for the area. He indicated that full street improvements would be constructed at the Hill and Dunne intersection. The owner of the adjacent landscape nursery to the east originally agreed and later retracted an offer to dedicate the right of way for full street improvements east of the Dunne intersection. In that area, an 8-foot shoulder within the existing right of way will be paved for bicycle and pedestrian access to Hill Road. SE Creer continued by stating that there were also issues involving Tennant Creek, which had yet to be resolved and would effect the timing for the installation of some of the street

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improvements.

Chair Mueller and Commissioner Benich asked about the commitment of the property owners to improvements and provision of easements. SE Creer explained the current placement of pavement in the areas and the necessary additions/improvements to complete the City requirements in the area.

Commissioner Lyle led discussion of Section 3 in the revised Resolution. SE Creer was directed to revise the wording of the section to provide better clarification.

Commissioners engaged in discussion regarding perceived conflict in what the development agreement indicates for action for developer action to the schools and what the schools are requesting. Commissioners indicated they are interested in ensuring that the proper planning procedures are followed in the areas of direction from the Planning Department and the Department of Public Works.

Safety issues in the areas surrounding schools were discussed.

Chair Mueller opened the public hearing.

Bruce Myers, 675 Hartz Avenue, #300, Danville, said he is Development Manager for Pacific Union Homes. "Pacific Union Homes is trying to honor the commitments made by the previous developer. Since 2001 we have been working with the schools and Public Works to meet the commitments or provide an alternative or agree on cash equivalents," Mr. Myers said.

Commissioner Lyle inquired as to the current build-out schedule. "What is the projection of finishing the final half dozen units?" he asked. Mr. Myers responded that the improvements are on-going and he anticipates completion by March, 2004. Commissioner Lyle said there is a need for clarity of time lines for the improvements.

With no others present desiring to speak to the matter, the public hearing was closed.

PM Rowe and SE Creer clarified that needed improvements in the general proximity to the projects, including sidewalks near the park and school, were included in the City's Capital Improvement Fund.

**COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 03-61 RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT TO ALLOW FOR FLEXIBILITY IN A CIRCULATION CATEGORY COMMITMENT FOR MEASURE P PROJECT MP-98-24: E. DUNNE – O'CONNEL, ADDING TO SECTION 1, (iii): 'OR ESTIMATION OF ORIGINAL IMPROVEMENT, WHICHEVER IS GREATER'. THE MOTION ALSO INCLUDED PROVISION OF THE 'EQUIVALENT ALTERNATIVE' TO BE APPROVED BY THE DIRECTOR OF PUBLIC WORKS. COMMISSIONER ESCOBAR SECONDED THE MOTION.**

**COMMISSIONER WESTON OFFERED AN AMENDMENT CALLING FOR \$38,000 TO BE REQUIRED FOR PLACMENT OF A SIDEWALK BETWEEN PARK AND WEST DUNNE. THE AMENDMENT WAS REJECTED BY THE**

MAKER OF THE MOTION AND THEREFORE WAS NOT CONSIDERED.

THE RESOLUTION WAS ADOPTED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

COMMISSIONERS WESTON/ESCOBAR OFFERED REVISED RESOLUTION NO. 03-62, RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT AMENDMENT TO ALLOW FOR FLEXIBILITY IN A CIRCULATION CATEGORY COMMITMENT FOR MEASURE P PROJECT MP-99-16: E DUNNE – TROVARE WITH THE FOLLOWING CHANGES: SECTION 2, (ii) ‘OR ESTIMATION OF ORIGINAL IMPROVEMENT, WHICHEVER IS GREATER’ AND (iii) ‘OR ESTIMATION OF ORIGINAL IMPROVEMENT, WHICHEVER IS GREATER’; AND SECTION 3 (iv) ~~CONTINUOUS WALKING PATH~~ 8-FEET OF PAVED SIDEWALK. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

RESOLUTION NO. 03-63 WAS OFFERED BY COMMISSIONERS ESCOBAR/ACEVEDO, RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT AMENDMENT, DAA 00-07, TO ALLOW FOR FLEXIBILITY IN A CIRCULATION CATEGORY COMMITMENT FOR MEASURE P PROJECT MP-99-16: E DUNNE-TROVARE, WITH CHANGE TO SECTION 2, (ii) ‘OR ESTIMATION OF ORIGINAL IMPROVEMENT, WHICHEVER IS GREATER’. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

Chair Mueller said that because of personnel changes at the School District and the need for clear communication, there should be a list of projects from the schools for developers.

#### **OTHER BUSINESS:**

**4) SOUTH VALLEY IMAGING USE DETERMINATION** A request for a Planning Commission use determination regarding a proposal to establish an MRI imaging lab center for ambulatory outpatients at 300 Digital Drive in the Morgan Hill Ranch PUD.

PM Rowe informed that the applicant has requested that this matter be rescheduled for consideration at the September 9, 2003 Planning Commission meeting.

Chair Mueller noted the item was not scheduled for public hearing.

COMMISSIONERS BENICH/ESCOBAR MOTIONED THAT THE USE DETERMINATION (SOUTH VALLEY IMAGING) BE CONTINUED TO THE SEPTEMBER 9, 2003 MEETING OF THE MORGAN HILL PLANNING COMMISSION. THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, ENGLES, LYLE, MUELLER; NOES: WESTON; ABSTAIN: NONE; ABSENT: NONE.

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**ANNOUNCEMENTS:** The next meeting has been cancelled by action of the Commission.

Commissioner Benich called attention to the expansion of Ace Hardware, asking if this should have come before the Commission? PM Rowe explained that it was only required to be reviewed by the Architectural Review Board and the Building Department.

PM Rowe also reported that Applebee's had not changed the stated demand of having the City decrease the impact fees and therefore had apparently withdrawn from the In-N-Out Burger application. He reminded that the construction schedule of the application is still active.

**ADJOURNMENT:** There being no further business, Chair Mueller adjourned the meeting at 9:01 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**JUDI H. JOHNSON, Minutes Clerk**